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10/749,005

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EXAMINER

WOOD, WILLIAM H

ART UNIT

PAPER NUMBER

2193

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06/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/749,005 | Applicant(s) FREY ET AL. | |
| | Examiner William H. Wood | Art Unit 2193 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 13-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/22/08;3/21/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-4, 6-8 and 13-23 are pending and have been examined.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 22 February 2008 and 21 March 2008 has been considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4, 6-8 and 13-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claims 1, 13 and 19 recite the new limitation, "wherein generating of the trace messages includes reconstructing a control flow of the application while executing". The originally filed disclosure does not provide support for the new limitation. The closest mention of such a concept is found on page 7 of the Specification, paragraph 0022, "Tracing involves the

reconstruction of the control flow of an executing application". This passage is merely a description of tracing and does not indicate a process of generating trace messages as Applicant now claims. The new matter must be removed.

Claims 1-4, 6-8 and 13-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Independent claims 1, 13 and 19 recite the new limitation, "wherein generating of the trace messages includes reconstructing a control flow of the application while executing". The originally filed disclosure does not indicate how to perform or accomplish this "generation of a trace message" including reconstructing a control flow of the application while executing. The disclosure defines tracing in passing in paragraph 0022 on page 7. Appropriate correction required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 6-8, 13 and 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Camp** et al. (USPN 6,802,067) in view of **Shah** et al. (US 2003/0005173 A1).

Claim 1

Camp discloses a system, comprising:

a computer system having a processor coupled with a memory, the computer system further including an server, the application server including a unified logging and tracing system (*column 1, lines 19-34*) having

one or more log controllers to receive one or more messages from an application wherein each of the one or more log controllers is a class that includes one or more subclasses or modules selected from a group comprising a category to generate the log messages and a location to generate the trace messages (*as previously indicated; and column 2, lines 58-65; and further column 3, lines 17-30*);

a log manager coupled to the one or more log controllers to manage the one or more log controllers (*as previously indicated*);

one or more logs to which the received messages are forwarded (*as previously indicated*);

a formatter coupled to the one or more logs, the formatter to format each of the one or more messages prior to publication of the one or more messages

(as previously indicated, now cancelled claim 5) wherein each of the one or more messages is associated with a log record, wherein the log record includes severity information, the severity information having one or more of debug, path, info, warning, error, fatal, and none *(column 3, lines 42-65)*; and

a viewer coupled to the formatter, the view to display the formatted one or more messages *(column 1, lines 15-19; and column 4, line 12)*.

Camp did not explicitly state a unified logging and tracing system including a logging system to generate log messages, and a tracing system to generate trace messages, the unified logging and tracing system wherein each of the one or more log controllers is a class that includes one or more subclasses or modules selected from a group comprising a category to generate the log messages and a location to generate the trace messages wherein the generating of the trace messages includes reconstructing a control flow of the application while executing, wherein the trace messages are emitted to the location, the location including an area of program code.

Shah demonstrated that it was known at the time of invention to provide a system that of unified logging and tracing system generating logging messages and a trace with modules for generating log messages and traces (figure 7, elements 703, 704, 713 and 714) wherein a trace includes a reconstruction of an execution control flow (definition of trace as used in **Shah**), wherein trace

messages are emitted to the location, an area of program code (paragraph 0043-0049; as a trace is by definition a list of code executed). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the multiple log system of **Camp** with trace messages as found in **Shah's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to store any type of message (**Camp**: column 2, lines 29-30, 40-43).

Claims 4 and 6-8

The limitations of claims 4 and 6-8 are rejected as indicated in Office Action mailed 26 February 2007.

Claims 13, 15-23

The limitations of claims 13 and 15-23 correspond to the limitations of claims 1, 4 and 6-8 and are rejected in the same manner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Camp** et al. (USPN 6,802,067) in view of **Shah** et al. (US 2003/0005173 A1) in further view of Applicant Admitted Prior Art (as evidenced by rejection mailed 26 February 2007 in accordance with MPEP 2144.03 heading C.). Previous Official Notice is now taken as Applicant Admitted Prior Art as Applicant failed to traverse the previous Official Notice. Claims 2 and 3 are rejected as indicated in rejection mailed 26 February 2007. Claim 14 is rejected in a corresponding manner to claim 3.

Response to Arguments

Applicant's arguments with respect to claims 1-8 and 13-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the

advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Tuesday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis A. Bullock Jr. can be reached on (571)-272-3759. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

/William H. Wood/
William H. Wood
Primary Examiner, Art Unit 2193
June 11, 2008